

AN ORDINANCE**BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT (BUREAU OF CODE COMPLIANCE) TO DEMOLISH AND CLEAN THE PREMISES OF VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON February 23, 2006.

<u>Council District</u>	<u>Property Address</u>
04	974 Coleman Street, SW
04	620 Ira Street, SW
02	234 Lampkin Street, NE
04	1025 Oak Street, SW
01	74 Ormond Street, SE
03	2146 Penelope Street, NW
08	4099 Randall Mill Road, NW
03	123 Scott Street, NW
04	879 Smith Street, SW
04	602 Whitehall Terrace, SW

WHEREAS, on March 16, 1987, the Council of the City of Atlanta adopted an Ordinance entitled, "The Atlanta Housing Code of 1987"; and the same was approved by the Mayor of the City of Atlanta on March 24, 1987; and

WHEREAS, on February 23, 2006, pursuant to the Atlanta Housing Code of 1987, Article III; entitled "In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

WHEREAS, on February 23, 2006, The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for occupancy or habitation and could not be improved, repaired, or altered at a cost less than fifty (50%) or less of the value of the structures, exclusive of the foundation and lots after the improvements have been made; and

WHEREAS, the In Rem Review Board did state in writing these findings of fact in support of such determination and the In Rem Review Board issued and caused to be served upon the owner(s) of and/or parties in interest an order requiring the owner(s) and/or parties in interest to repair the structures or clean the premises, vacate and close such structure(s) pursuant to Section 29 of the Atlanta Housing Code.

C-1

WHEREAS, a period of thirty (30) days from the date of said order was allowed for the owner (s) and/or parties in interest to comply with the Order.

WHEREAS, the owner(s) and/or parties in interest of the properties, failed to comply with the Order of the In Rem Review Board within the specified time;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1: That the Mayor or her designee is authorized to demolish and clean the following real property upon which structure(s) are located:

<u>Council District</u>	<u>Property Address</u>
04	974 Coleman Street, SW
04	620 Ira Street, SW
02	234 Lampkin Street, NE
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04	879 Smith Street, SW
04	602 Whitehall Terrace, SW

Section 2: That the Mayor or her designee is hereby authorized to perform the following specific duties at the above mentioned properties:

- (1) Vacate the structure, (if occupied).
- (2) Clean the premises and board the structure(s) in conformity with the In Rem Board's Order.
- (3) Maintain the property in conformity with the In Rem Board's Order until the structure(s) are repaired and demolished.
- (4) File a lien against the real property on which the structure(s) are attached in an amount necessary to recover the costs incurred by the City of Atlanta.

Section 3: That the Mayor or her designee is further authorized to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed in **SECTION 2** of this ordinance.

Section 4: That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

Legislative White Paper

Committee of Purview: Community Development/Human Resources

Caption An ordinance authorizing the Mayor to direct the Department of Planning and Community Development (Bureau of Code Compliance) to Demolish and Clean the premises and various structures, Pursuant to Article III of the Atlanta Housing Code and a Hearing conducted by the In Rem Review Board.

Council Meeting Date: May 15

Legislation Title: In Rem Demolition

Requesting Dept.: Planning & Community Development

Contract Type: N/A

Source Selection: N/A

Bids/Proposals Due: N/A

Invitations Issued: N/A

Number of Bids/ N/A
Proposals Received:

Bidders/Proponents: N/A

Justification Statement: An Ordinance authorizing the department of Planning and Community Development to Clean and Close various structures, pursuant to Article III of the Atlanta Housing Code.

Background: The In Rem Review Board determined that the structures on the real property were unfit for occupancy or habitation and could not be improved, repaired at a cost less than (50%) or less of the value of the structure.

Fund Account Center: 1B01 529002 Y43P0931A24A

Source of Funds: CDBG

Fiscal Impact:

Term of Contract:

Method of Cost Recovery:

Approvals:

DOF:

DOL:

Prepared By: Monica Barnes

Contact Number: 4-330-6190

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon, Mayor's Office
(for review & distribution to Executive Management)

Commissioner Signature _____ Director Signature _____

From: Originating Dept. Planning & Community Development Contact (name) Debra Conner

Committee of Purview Community Dev/Human Resources Committee Deadline _____

Committee Meeting Date _____ City Council Meeting Date May 15

CAPTION: An ordinance authorizing the Mayor to direct the Department of Planning and Community Development (Bureau of Code Compliance) to Demolish and Clean the premises and various structures, Pursuant to Article III of the Atlanta Housing Code and a Hearing conducted by the In Rem Review Board.

BACKGROUND/PURPOSE/DISCUSSION: The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for occupancy or habitation and could not be improved, repaired, or altered at a cost of less than (50%) or less of the value of the structures exclusive of the foundation and lots after the improvements have been made.

FINANCIAL IMPACT (if any): Monies to be funded out of CDBG Fund Account
1B01 529002 Y43P0931A24A

OTHER DEPARTMENT(S) IMPACTED: _____

Coordinated Review With: _____

Mayor's Staff Only _____

Received by Mayor's Office _____ (date) Reviewed: _____ (initials) (date)

Submitted to Council: _____

Action by Committee _____ Approved _____ Adversed _____ Held _____ Amended
_____ Substitute _____ Referred _____ Other